

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GARRETT JENKINS, et al.,

Plaintiffs,

v.

THE WHITESTONE GROUP, INC.,

Defendant.

Case No. [14-cv-04920-RS](#)**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE REMANDED FOR  
LACK OF JURISDICTION**

This putative class action was filed in San Francisco Superior Court on behalf of “more than 50 security officers and/or guards” employed by defendant. Plaintiffs alleged they were deprived of proper meal and rest breaks during the four year limitations period prior to the filing of the complaint. The named plaintiffs all alleged they earned approximately \$25 per hour. While the complaint contains no calculations of each putative class member’s alleged total damages, it is not readily apparent that they would exceed \$75,000; rather, the most reasonable inference is to the contrary.

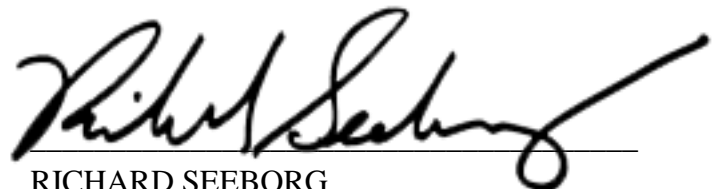
Indeed, plaintiffs’ briefing submitted in support of preliminary settlement approval asserts that the maximum claims of the 88 class members total just over \$564,000, or less than \$6,500 each. Even adding in additional claims for penalties and attorney fees, and granting that the total claims would not have been divided equally among the class members, there is no reasonable basis to infer that at least one class member could show the amount in controversy in his or her claim satisfies the \$75,000 threshold for diversity jurisdiction. Nor is there a basis to conclude the

1 aggregate claims meet the \$5 million threshold for jurisdiction under CAFA. Under these  
2 circumstances, therefore, jurisdiction appears to be lacking. *See generally Exxon Mobil Corp. v.*  
3 *Allapattah Servs., Inc.*, 545 U.S. 546 (2005) (holding supplemental jurisdiction over claims under  
4 the \$75,000 threshold to be proper as long as at least one named plaintiff satisfies the amount in  
5 controversy, but not allowing aggregation of claims as means of meeting the threshold).

6 Although the parties have reached a settlement of this matter, in the absence of jurisdiction,  
7 the court is precluded from determining whether the parties' agreement satisfies the criteria for  
8 court approval of class action settlements. Accordingly, no later than August 31, 2015,  
9 defendant, as the removing party, shall file a brief not to exceed 15 pages showing cause why this  
10 matter should not be remanded to San Francisco Superior Court. No later than the same date,  
11 plaintiffs may, but are not required to, file a separate brief, also not to exceed 15 pages, addressing  
12 the issue. Alternatively, the parties may file a stipulation and proposed order to remand, in the  
13 event they agree jurisdiction is lacking. The hearing on the motion for preliminary settlement  
14 approval set for August 27, 2015 is vacated, pending further order.

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17 **IT IS SO ORDERED.**

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19 Dated: August 14, 2015

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22 RICHARD SEEBORG  
23 United States District Judge  
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